

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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HOWARD LEVEY, *et al.*,

Plaintiffs,

v.

CIVIL ACTION
IN ADMIRALTY

DELAWARE BAY LAUNCH SERVICE, INC.,
et al.,

No. 06-510 - JJF

Defendants.
-----X

**ANSWER TO CROSS-CLAIM OF SOUTHERN DELAWARE TOWING &
SALVAGE, INC. AGAINST DELAWARE BAY LAUNCH SERVICE, INC.
WITH COUNTER-CLAIM**

Defendant Delaware Bay Launch Service, Inc. ("DBL") by and through its undersigned attorneys, Palmer Biezup & Henderson LLP, hereby Answers the Cross-Claim of Southern Delaware Towing & Salvage, Inc. as follows:

1. It is admitted that Plaintiffs filed a Complaint against BoatUS and DBL the contents of which speaks for itself, and it is further stated that DBL answered said Complaint and incorporates by reference herein its answers to all paragraphs of the plaintiffs' Complaint and all affirmative defenses set forth in its Answer as though fully set forth herein at length.

2. Admitted.

3. Admitted.

4. Denied.

WHEREFORE, Delaware Bay Launch Service, Inc. prays that judgment be entered in its favor and against Southern Delaware Towing & Salvage, Inc., dismissing with prejudice the crossclaim together with counsel fees and expenses and such further relief and this Honorable Court deems appropriate under the circumstances.

COUNTER-CLAIM AGAINST SOUTHERN DELAWARE TOWING & SALVAGE, INC

1. Delaware Bay Launch Service, Inc. incorporates by reference its answers to all paragraphs of plaintiff's Complaint and all affirmative defenses set forth in its Answer as well as all pleadings previously filed as though fully set forth herein at length.

2. If the allegations in the plaintiffs' Complaint are proven at trial to be true, which are denied, then said damages were occasioned in whole or in part by the fault, negligence, breach of contract and/or breaches of warranty (express or implied) of defendant Southern Delaware Towing & Salvage, Inc. its officers, agents, servants or employees, and without the fault or negligence of Delaware Bay Launch Service, Inc., its officers, agents, servants or employees and plaintiffs should recover said damages directly from defendant Southern Delaware Towing & Salvage, Inc.


3. If it is determined that Delaware Bay Launch Service, Inc is liable to the plaintiffs for the damages alleged in their Complaint, which is denied, then such liability derives in whole or in part from the fault, negligence, and/or breaches of express or implied warranties and/or contractual obligations by defendant Southern Delaware Towing & Salvage, Inc., its officers, agents, servants or employees, and Delaware Bay Launch Service, Inc. should have recovery over and against and be indemnified by, or secure contribution from, defendant Southern Delaware Towing & Salvage,

Inc. for all such sums so recovered against Delaware Bay Launch Service, Inc, inclusive of counsel fees and expenses.

WHEREFORE, Delaware Bay Launch Service, Inc demands judgment in its favor and against defendant Southern Delaware Towing & Salvage, Inc. for indemnity and/or contribution, together with costs of suit, counsel fees and such other and further relief as this Honorable Court may deem just and proper in the circumstances.

PALMER BIEZUP & HENDERSON LLP

Dated: August 24, 2007

By: 

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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2007, I served the foregoing Answer to Cross-Claim of Southern Delaware Towing & Salvage, Inc. Against Delaware Bay Launch Service, Inc with Counter-Claim via E-mail on the following counsel:

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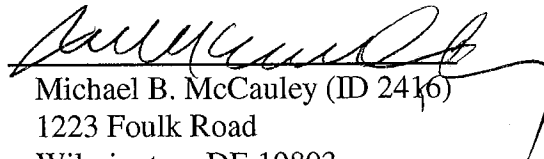
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Date: August 24, 2007

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